IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 16TH AUGUST 2006 / 25TH SRAVANA 1928

Bail Appl..No. 4722 of 2006

CMP.1958(A)/2006 of J.M.F.C.-I, ALUVA
CRIME NO.401/2006 OF CHENGAMANAD POLICE STATION

.....

PETITIONER/2ND ACCUSED:

HINGUL GITA RAKESH KUMAR,
W/O. RAKESH KUMAR, 4TH SASTHRY NAGAR, SOCIETY,
AMBIKA HIGHWAY, KALLOOR, GANDHI NAGAR DISTRICT,
GUJARATH.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16.8.2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4722/2006

DATED THIS THE 16TH DAY OF AUGUST, 2006

O R D E R

B.A.No.4722/2006 is preferred by the petitioner, the second accused, the wife of the first accused, who face the allegations under Sections 419, 471, 468 IPC read with Section 34 IPC and also under Section 12(1)(a)(b) and (d) of the Passport Act, and she is before this Court, under Section 439 Cr.P.C., as she is in judicial custody from 5.7.2006.

2. The main contention of the counsel for the petitioner is being an illiterated woman, she had only accompanied her husband to Newyork, where both her husband and herself were intercepted and found that the passport, under which they travelled, were forged. Therefore, in the next available flight, both of them had been sent back to India. The next flight was to Kochi. Therefore, they had landed at Nedumbassery International Airport, where the Chengamanad police station, having

jurisdiction had registered crime No.401/2006 for the offence, stated above.

3. I have directed the learned Public Prospector to verify from the Investigating Officer about the illiteracy of the petitioner, the second accused, as submitted by the counsel. However, the prosecution submitted that the petitioner is a graduate. Therefore, it cannot be said at this stage, that she had travelled, along with her husband, without knowing that the passport, with which she travelled, was not issued to her but to another person.

4. When the bail is not inclined to be granted as prayed for, the learned counsel filed an affidavit. It is seen that one Dilesh, who claims to be a close relative of the petitioner, second accused, is sworn the affidavit. He does not know English but he had stated in the affidavit that he understood it in Hindi, as informed to him by the counsel. The prayer is that the petition may be allowed to be withdrawn.

5. In the above facts situation, I permit the

petitioner to withdraw the bail application and the same is dismissed as withdrawn.

Hand over the order.

J.M.JAMES
JUDGE

mrcs